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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,382	08/29/2000	SLIM SOUSSI	PF01963NA	9462

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MOTOROLA INC
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EXAMINER

LEE, JOHN J

ART UNIT

PAPER NUMBER

2682

DATE MAILED: 02/13/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Response 2 Final: 13 AP 2002
Time 2 Appl: 13 MY 2002

Office Action Summary	Application No.	Applicant(s)	
	09/651,382	SOUISSI ET AL.	
	Examiner	Art Unit	
	John J Lee	2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

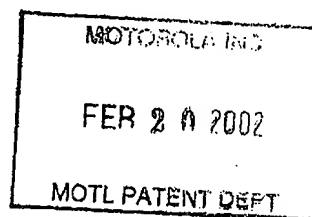
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 34-55 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 34-55 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.



Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

1. Applicant's arguments with respect to claims 34 - 55 have been considered but are moot in view of the new ground(s) of rejection. In response to Applicant's argument/amendment regarding the newly added claims 34 - 55, Applicant's attention is directed to the rejection below for the reasons as to why this newly added claims are not patentable.

Claim Objections

2. **Claims 34, 36-38, 40-41, and 43-47** are objected to because of the following informalities:

Re claims 34, 44, and 46, it is suggested that the spelling of the word "bases station" should be changed to "base stations".

Re claims 34, 36-38, 40-41, and 43-47, it is suggested that the spelling of the word "communications handset" should be changed to "communication handset".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. **Claims 34, 36 – 55** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

✓ Claim 34 recites the limitation "base station location information" in lines 4 should be changed to "a base station location information". For the same reason, the recitation "base station cellular area information" in lines 6 should be changed to "a base station cellular area information". Also, the recitation "the base station" in lines 6 should be changed to "the cellular communication base station" and the recitation "base station location information" in lines 7 should be changed to "the base station location information". There are insufficient antecedent basis for these limitations in the claim.

✓ Re claim 36, it recites the limitation "mobile wireless communication handset" in lines 17 should be changed to "~~the~~ mobile wireless communication handset". There is insufficient antecedent basis for this limitation in the claim.

✓ Re Claim 37, it recites the limitation "bearing angular width information" in lines 24 should be changed to "a bearing angular width information". Also, the recitation "the base station" in lines 25 should be changed to "the cellular communication base station". For the same reason, the recitation "the base station" in lines 26 should be changed to "the cellular communication base station" and in same lines 26, the recitation "the cellular area" should be changed to "the base station cellular area information". Also in lines 27, "bearing and bearing angular width information" should be changed to "the bearing and the

bearing angular width information". There are insufficient antecedent basis for these limitations in the claim.

Re claim 38 – 55, Applicant is requested in referring to back to be consistency in following claims 35 – 55. There are insufficient antecedent basis for these limitations in the claims.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 34 – 55** are rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez-Corbaton (US Patent number 6289280) in view of Schuchman (US Patent number 6111538).

Regarding **claim 34**, Fernandez-Corbaton discloses that a method in a mobile wireless communication handset, comprising:

receiving a distance to serving base station information of a cellular communication base station (Fig. 1, 3, 5, 6, column 6, lines 29 – column 8, lines 17, abstract, and column 3, lines 50 – column 5, lines 64) ;

receiving a base station cellular area information for the cellular communication base station for which the base station location information is

received (Fig. 3, 5, 6, column 6, lines 29 – column 8, lines 17, abstract, and column 17, lines 10 – column 18, lines 13);

determining a course location of the mobile wireless communication handset based on the distance to serving base station information and on the cellular area information (Fig. 1, 3, 5, 6, abstract, column 17, lines 10 – column 18, lines 13, and column 6, lines 29 – column 8, lines 17).

Fernandez-Corbaton does not specifically disclose the limitation "base station location information". However, Schuchman discloses "base station location information" (column 3, lines 23 – column 5, lines 39, Fig. 1, abstract, and column 1, lines 43 – column 2, lines 46). It would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to provide the teaching of Schuchman to Fernandez-Corbaton, because they both relate to cellular positioning system in mobile station for calculating and determining the mobile location by receiving information from base stations and satellites in mobile communication system. Propose the motivation to provide more accurate position determination of mobile station in order to further improve enhancing position location system in mobile station.

Regarding **claim 35**, Fernandez-Corbaton discloses that determining a refined location of the mobile wireless communication handset based on the course location (Fig. 1, 3, 5, 6, abstract, column 17, lines 10 – column 18, lines 13, and column 6, lines 29 – column 8, lines 17).

Regarding **claim 36**, Fernandez-Corbaton discloses that the mobile wireless communication handset is a global positioning system (GPS) enabled mobile wireless communication handset, determining a GPS based location of the mobile wireless communication device, reducing a GPS search space with the course location when determining the GPS based location of the mobile wireless communications handset (Fig. 1, 3, 5, column 6, lines 29 – column 8, lines 17, and column 3, lines 50 – column 5, lines 64).

Regarding **claim 37**, Fernandez-Corbaton and Schuchman disclose all the limitation, as discussed in claim 34. Furthermore, Fernandez-Corbaton further discloses that receiving a bearing and a bearing angular width information for the cellular communication base station, determining the course location of the mobile wireless communication handset based on the distance to serving base station information, the base station cellular area information, the bearing and the bearing angular width information (column 6, lines 29 – column 8, lines 17, Fig. 3, 6, abstract, column 11, lines 29 – column 15, lines 15, and column 17, lines 10 – column 18, lines 13).

Regarding **claim 38**, Fernandez-Corbaton and Schuchman disclose all the limitation, as discussed in claims 34 and 37. Furthermore, Fernandez-Corbaton further discloses that measuring power of a signal transmitted by the base station, determining the course location of the mobile wireless communication handset based on the distance to serving base station information, the base station cellular area information, the bearing and the bearing angular width

information, and the power measurement (column 3, lines 40 – column 5, lines 37, Fig. 6, column 6, lines 29 – column 8, lines 17, and column 17, lines 10 – column 18, lines 13).

Regarding **claim 39**, Fernandez-Corbaton and Schuchman disclose all the limitation, as discussed in claims 34 and 35.

Regarding **claim 40**, Fernandez-Corbaton and Schuchman disclose all the limitation, as discussed in claims 34 and 37.

Regarding **claim 41**, Fernandez-Corbaton and Schuchman disclose all the limitation, as discussed in claims 34 and 38.

Regarding **claim 42**, Fernandez-Corbaton and Schuchman disclose all the limitation, as discussed in claims 34 and 35.

Regarding **claim 43**, Fernandez-Corbaton and Schuchman disclose all the limitation, as discussed in claims 34 and 38.

✓ Regarding **claim 44**, Fernandez-Corbaton and Schuchman disclose all the limitation, as discussed in claims 34, 35, and 37. Furthermore, Fernandez-Corbaton further discloses that receiving bearing information from a plurality of at least two base stations (Fig. 6, column 6, lines 29 – column 8, lines 17, abstract, and column 17, lines 10 – column 18, lines 13).

Regarding **claim 45**, Fernandez-Corbaton and Schuchman disclose all the limitation, as discussed in claims 35 and 36.

Regarding **claim 46**, Fernandez-Corbaton and Schuchman disclose all the limitation, as discussed in claims 34 and 37.

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Regarding **claim 47**, Fernandez-Corbaton and Schuchman disclose all the limitation, as discussed in claims 34 and 44.

Regarding **claim 48**, Fernandez-Corbaton and Schuchman disclose all the limitation, as discussed in claims 34 and 37.

Regarding **claim 49**, Fernandez-Corbaton and Schuchman disclose all the limitation, as discussed in claims 37 and 44.

Regarding **claim 50**, Fernandez-Corbaton and Schuchman disclose all the limitation, as discussed in claims 44 and 48.

Regarding **claim 51**, Fernandez-Corbaton and Schuchman disclose all the limitation, as discussed in claims 38 and 50.

Regarding **claim 52**, Fernandez-Corbaton and Schuchman disclose all the limitation, as discussed in claims 37 and 47. Furthermore, Fernandez-Corbaton further discloses that the transmitting the distance to serving base station information, the base station cellular area information, the bearing and the bearing angular width information in a provide base station almanac message (column 6, lines 29 – column 8, lines 17, Fig. 3, 6, abstract, column 11, lines 29 – column 15, lines 15, and column 17, lines 10 – column 18, lines 13).

Regarding **claim 53**, Fernandez-Corbaton and Schuchman disclose all the limitation, as discussed in claims 37 and 47. Furthermore, Fernandez-Corbaton further discloses that the transmitting the distance to serving base station information, the base station cellular area information, the bearing and the bearing angular width information in a common message (column 6, lines 29 –

column 8, lines 17, Fig. 3, 6, abstract, column 11, lines 29 – column 15, lines 15, and column 17, lines 10 – column 18, lines 13).

Regarding **claim 54**, Fernandez-Corbaton and Schuchman disclose all the limitation, as discussed in claims 34, 44, and 47.

Regarding **claim 55**, Fernandez-Corbaton and Schuchman disclose all the limitation, as discussed in claims 53 and 54.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fattouche (US Patent number 6266014) discloses Position a Mobile Receiver Using Downlink Signals Part IV.

Ekstrom (US Patent number 6052597) discloses Short Message Service Initiated Cellular Mobil Positioning System.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John J. Lee** whose telephone number is **(703) 306-5936**. He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00 pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Vivian Chin**, can be reached on **(703) 308-6739**. Any inquiry of a general nature or relating to the status of this

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application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

J.L.
January 30, 2002

John J Lee



VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600